

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed July 27, 2006. In the Office Action, the Examiner notes that claims 65-76 are pending and rejected. By this response, Applicants have amended independent claims 65 and 75.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application anticipated or obvious, under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

RECEIVED
CENTRAL FAX CENTER

OCT 26 2006

REJECTIONS

35 U.S.C. §102

Claims 75 and 76

The Examiner has rejected claims 75 and 76 under 35 U.S.C. §102(e) as being anticipated by Alonso U.S. 6,184,678, hereinafter Alonso. Applicants respectfully traverse the rejection.

Applicants' claim 75 recites:

75. A system for interactive distribution of selectable presentations, said system comprising:
addressable processing equipment at a user location, said addressable processing equipment transmitting a request for a presentation;
a presentation preparation server, including a receiver coupled to said addressable processing equipment at a user location for receiving said request for a presentation;
a presentation conversion utility at said presentation preparation server for encoding said selectable presentations into MPEG digital video format;
a presentation database memory coupled to said presentation conversion utility for storing said selectable presentations encoded in MPEG digital video format;

an MPEG packet multiplexer coupled to said presentation database memory, wherein said MPEG packet multiplexer multiplexes said requested presentation and other selectable presentations selected by other users in MPEG digital video format into an MPEG digital video transport stream;

a broadband signal distribution head-end coupled to said MPEG packet multiplexer; and

a broadband signal distribution network coupled to said broadband signal distribution head-end and to said addressable processing equipment at said user location, for transmitting a selected presentation corresponding to said request for a presentation to said addressable processing equipment at said user location,

wherein said addressable processing equipment decodes said selected presentation in MPEG digital video format for display to said user using an address message to indicate a position of said selected presentation in MPEG digital video format in said MPEG digital video stream. (Emphasis added.)

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim"

(Lindenmann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears Roebuck & Company, 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added).

The Alonso reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

The Alonso reference fails to teach or disclose at least the claimed elements of an MPEG packet multiplexer coupled to said presentation database memory, wherein said MPEG packet multiplexer multiplexes said requested presentation and other selectable presentations selected by other users in MPEG digital video format into an MPEG digital video transport stream and wherein said addressable processing equipment decodes said selected presentation in MPEG digital video format for display to said user using an address message to indicate a position of said selected presentation in MPEG digital video format in said MPEG digital video stream, as positively recited in Applicants' amended independent claim 75.

Specifically, the Alonso reference discloses an interactive World Wide Web (WWW) access using a set top terminal in a video on demand (VOD) system.

Alonso teaches a system that delivers a WWW page or a Video on Demand program. (See Alonso, col. 7, ll. 43-60; Fig. 3, emphasis added.)

Nowhere in the Alonso reference is there any teaching or suggestion of at least the claimed element of an MPEG packet multiplexer coupled to said presentation database memory, wherein said MPEG packet multiplexer multiplexes said requested presentation and other selectable presentations selected by other users in MPEG digital video format into an MPEG digital video transport stream. The Examiner alleges that Alonso teaches a "multiplexer" that combines MPEG page video and menu video. (See Office Action, p. 4.) Alonso fails to support the Examiner's allegations for multiple reasons.

The Applicants respectfully submit that "combin[ing] the menu page and video page" is not the same as a MPEG packet multiplexer, wherein said MPEG packet multiplexer multiplexes said selectable presentations in MPEG digital video format into an MPEG digital video transport stream. A multiplexer has a very specific meaning in the art and is not so broad as to encompass a generic term such as "combining".

Moreover, in *arguendo*, even if Examiner's unduly broad interpretation is assumed to be correct, Alonso does not teach that the multiplexer multiplexes said requested presentation and other selectable presentations selected by other users in MPEG digital video format into an MPEG digital video transport stream. The Examiner alleges that a "video page" is an encoded in MPEG digital video format and then alleges that the combination of the "video page and menu page" anticipates the Applicants' claimed limitation of an MPEG packet multiplexer. (See Office Action, p. 3 – p. 4.) The Examiner reasoning is flawed because the "video page" is clearly not encoded in an MPEG digital video format. Alonso clearly teaches that the MPEG conversion occurs after the video page and menu page are combined. (See Alonso, col. 5, ll. 7-9.) In light of Alonso's knowledge of MPEG encoding, if the "video page" was meant to be in an MPEG format, Alonso would have stated as such. In addition, to encode a "video page" in a MPEG digital video format, if it was already encoded in a MPEG digital video format, would be illogical. Therefore, Alonso clearly contradicts the Examiner's assertion.

Furthermore, Alonso fails to teach that selectable presentations (i.e. more than one) in MPEG digital video format are multiplexed into an MPEG digital video transport stream. Alonso teaches that either a WWW page or VOD program is delivered to the user and not both simultaneously. (See Alonso, col. 7, ll. 43-60; Fig. 3, emphasis added.)

Finally, Alonso also fails to teach wherein said addressable processing equipment decodes said selected presentation in MPEG digital video format for display to said user using an address message to indicate a position of said selected presentation in MPEG digital video format in said MPEG digital video stream, as positively recited in Applicants' amended independent claim 75. Therefore, the Alonso reference fails to teach each and every element as arranged in the claim, since it fails to teach or disclose at least the claim element discussed above.

As such, Applicants submit that independent claim 75 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Furthermore, dependent claim 76 depends directly from independent claim 75, while adding additional elements. Accordingly, claim 76 is also patentable for at least the reasons discussed above with respect to independent claim 75. Therefore, Applicants respectfully request that the rejection of claims 75-76 under 35 U.S.C. §102(e) be withdrawn.

35 U.S.C. §103

Claims 65 and 67-74

The Examiner has rejected claims 65 and 67-74 under 35 U.S.C. §103(a) as being unpatentable over Alonso in view of Huizer et al. U.S. Patent 6,751,802, hereinafter Huizer. Applicants respectfully traverse the rejection.

Independent claim 65 recites features of Applicants' invention that Applicants consider to be inventive. In particular, independent claim 65 recites:

65. In a system for interactive distribution of selectable presentations, said system having a presentation preparation server, a broadband signal distribution head-end coupled to said presentation preparation server and to a

broadband signal distribution network, and an addressable processing equipment at a user location, a method comprising:

- transmitting a presentation request from said addressable processing equipment at said user location to said presentation preparation server, said presentation request including a destination address corresponding to said addressable processing equipment at said user location;
- receiving a plurality of selectable presentations at said presentation preparation server;
- converting said selectable presentations to MPEG digital video format;
- storing said selectable presentations in MPEG digital video format in a presentation database memory;
- retrieving one of said selectable presentations corresponding to said presentation request from said presentation database memory to form a selected presentation in MPEG digital video format;
- multiplexing said selected presentation in MPEG digital video format with selectable presentations selected by other users into an MPEG digital video transport stream;
- transmitting an address message to said addressable processing equipment at said user location to indicate the position of said selected presentation in MPEG digital video format in said MPEG digital video transport stream;
- transmitting said MPEG digital video transport stream from said broadband signal distribution head-end;
- receiving said address message at said addressable processing equipment at said user location to indicate the position of said selected presentation in MPEG digital video format in said MPEG digital video transport stream; and
- receiving said selected presentation at said addressable processing equipment at said user location. (Emphasis added.)

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Alonso and Huizer references, alone or in any permissible combination, fail to teach or suggest Applicants' invention as a whole.

The Alonso reference fails to teach or suggest at least Applicants' claim 65 invention as a whole. The teachings of Alonso are discussed above. Similar to the

argument above, Alonso fails to teach at least the claimed elements of multiplexing said selected presentation in MPEG digital video format with other selectable presentations into an MPEG digital video transport stream and receiving said addressable message at said addressable processing equipment at said user location to indicate the position of said selected presentation in MPEG digital video format in said MPEG digital video transport stream, as conceded by the Examiner. (See Office Action, p. 6.)

The Huizer reference fails to bridge the substantial gap between the Alonso reference and Applicants' invention. In general, Huizer discloses a method of transmitting and receiving compressed television signals. Huizer teaches the ability to pause a bit stream and resume playback. (See Huizer, Abstract.)

Huizer, however, is devoid of any teaching or suggestion of multiplexing said selected presentation in MPEG digital video format with selectable presentations selected by other users into an MPEG digital video transport stream. Moreover, Huizer is devoid of any teaching or suggest of receiving said address message at said addressable processing equipment at said user location to indicate the position of said selected presentation in MPEG digital video format in said MPEG digital video transport stream. Huizer, at best, teaches inserting position labels into a bit stream where a server can resume transmission of the signal after an interruption. (See Huizer, Abstract.) Applicants' respectfully submit that inserting position labels into a bit stream of one program is not the same as receiving an address message at said addressable processing equipment at said user location to indicate the position of said selected presentation in a MPEG digital video transport stream, where the media stream contains multiple selected presentations, as taught in Applicants' invention of claim 65.

The Examiner also attempts to take Official Notice that it would have been notoriously well known to transmit a subscriber address upstream to a server to ensure the requested material is transmitted to the appropriate subscriber. (See Office Action, p. 5, l. 21 – p. 6, l. 1.) However, the Applicants respectfully submit that the Examiner has misinterpreted independent claim 65. The address information contained in the claimed address message is not only for transmitting "the requested

material" to the subscriber, but is also used to indicate the position of said selectable presentation in MPEG digital video format in said MPEG digital video transport stream. The Applicants submit that such use is not notoriously well known.

In addition, even if Alonso and Huizer were combined, the combination would still fail to teach or to suggest Applicants' invention as recited in claim 65. The combination of Alonso and Huizer would only teach a system for delivering a WWW page or VOD program (i.e. a single program), wherein position labels may be inserted into the single bit stream where a server can resume transmission of the signal after interruption. As such, Applicants' independent claim 65 is patentable under 35 U.S.C. §103(a) over Alonso in view of Huizer.

Furthermore, dependent claims 67-74 depend, either directly or indirectly, from independent claim 65. Accordingly, these dependent claims are also patentable for at least the reasons discussed above with respect to independent claim 65. Therefore, Applicants respectfully request that the rejection of claims 65 and 67-74 under 35 U.S.C. §103(a) be withdrawn.

Claim 66

The Examiner has rejected claim 66 under 35 U.S.C. §103(a) as being unpatentable over Alonso in view of Huizer, as applied to the claims above, and further in view of Banker et al. U.S. Patent 5,485,221, hereinafter "Banker." Applicants respectfully traverse the rejection.

Claim 66 depends directly from independent claim 65. Moreover, for at least the reasons discussed above, the Alonso and Huizer references fail to teach or suggest Applicants' invention as taught in claim 65. Accordingly, any attempted combination of the Alonso and Huizer references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claim 66 is not obvious and is patentable under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection of claim 66 be withdrawn.

RECEIVED
CENTRAL FAX CENTERPATENT
Attorney Docket No.: TVW/APP13US
Serial No. 09/255,052
Page 14 of 15**OCT 26 2006**Official Notices

The Office Action takes numerous Official Notices. Applicants hereby traverse each Official Notice. The Examiner generally alleges that certain apparatuses and/or methods are well known in the art. However, the Applicants respectfully disagree. These apparatuses and/or methods may not be well known within the specific art of the present invention and as specifically recited in their respective claims. Furthermore, it may not be well known to combine the allegedly well known apparatuses and/or methods with other apparatuses and/or methods recited in the respective claims or in other claims from which the respective claims may depend. For example, the allegedly well known limitations may not have motivation to combine with other limitations of the claims in which they are found or in claims from which they depend. Applicants respectfully request references showing these features.

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are allowable. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

10/26/06

Eamon J. Wall
Registration No. 39,414
Attorney for Applicant(s)PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100

489147-1

PATENT
Attorney Docket No.: TVW/APP13US
Serial No. 09/255,052
Page 15 of 15

Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

489147-1